

REMARKS

Applicants thank the Examiner for the courteous teleconference of April 1, 2008 with applicant's representative, Michael C. Badia. A separate Interview Summary of this teleconference is enclosed herewith.

The Claim Amendments

In order to expedite prosecution of this application, applicants have canceled claims 10-16. By taking such action, applicants in no way relinquish any rights to file one or more continuing applications covering the subject matter in now canceled claims 10-16 or admit or acquiesce that claims 10-16 do not recite patentable subject matter.

Applicants have amended claims 1, 4-5 and 18.

Applicants have amended ring A in claim 1 to remove therefrom non-elected subject matter. Specifically, applicants recite the phrase "ring A is an aryl ring wherein said aryl ring is.." in place of the phrase "ring A is an aryl or heteroaryl ring wherein said aryl or heteroaryl ring is.." Applicants have also amended radical "n" to recite "n is 1" in place of "n is 0-4" and amended radical R₁ to recite "R₁ is a hydroxylaliphatic, aminoaliphatic,.." in place of the phrase "R₁ is H, or a hydroxylaliphatic, aminoaliphatic,..". Support for this amendment is found in claim 1 as originally filed.

Applicants have amended claim 2 to remove therefrom non-elected subject matter. Specifically, applicants have recited the phrase "..optionally substituted 6 membered aryl ring." in place of the phrase "..optionally substituted 5 or 6 membered aryl or heteroaryl ring, wherein said heteroaryl ring contains up to 2 ring atoms independently selected from O, S, or NH."

Applicants have amended radical "R₁" in claims 4 and 5 to delete the definition "hydrogen". Support for this amendment is found in claims 4 and 5 as originally filed.

Applicants have amended claim 18 to remove therefrom two compound species no longer falling under the genus of formula I.

None of these amendments add new matter. These amendments are further discussed below in the context of the Examiner's rejections.

The Rejections

35 U.S.C. § 112, Second Paragraph

Applicants acknowledge with appreciation that the amended claims submitted with applicant's amendment of Sept. 24, 2007 have overcome the previous 35 U.S.C. § 112, Second Paragraph rejection.

35 U.S.C. § 102(b)

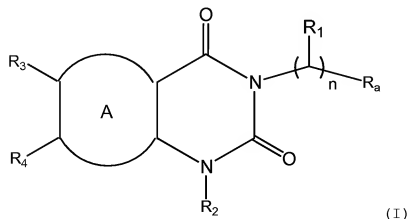
The Examiner has maintained the rejection of claims 1-7, 9 and 17 as being anticipated by European Patent Application EP 0456835 A1, published on November 21, 1991 (hereinafter "the '835 application") and by U.S. Patent No. 5,234,928 (hereinafter the '928 patent). Specifically, the Examiner asserts that the '835 application and the '928 patent teach specific compound species (e.g., compounds #93, and #108 at pages 20 and 21, respectively, of the '835 application) that read on formula I in instant claims 1-7, 9 and 17. See, Office Action mailed 3/22/07 at pages 3-4.

As discussed *supra*, applicants have amended claims 1 and 4-5 to remove therefrom subject matter disclosed in the '835 application and the '928 patent. Specifically, applicants have amended radical "n" to be 1 and amended radical "R₁" to exclude the term hydrogen. Thus, the amended genus of formula I in the instant claims excludes the species disclosed in the '835 application. Therefore, applicants respectfully request that this rejection be withdrawn.

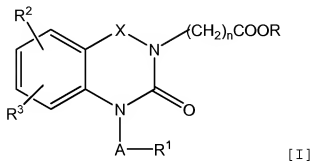
35 U.S.C. § 103 (a)

The Examiner has maintained the rejection of claims 1-7, 9 and 17, under 35 U.S.C. § 103(a), as being unpatentable over the '835 application and the '928 patent. According to the Examiner, the '835 application and the '928 patent teach several species (e.g., compound numbers 93 and 108 at pages 20 and 21, respectively, of the '835 application) and a genus (generic formula I, at page 3 of the '835 application) "that read on various aspects of the invention" and are useful as inhibitors of platelet aggregation. The Examiner asserts that "the skilled chemist would have been motivated to make other compounds of the claimed formula I because said compounds would have been expected to inhibit platelet aggregation as well." The Examiner concludes "at the time the invention was made, it would have been obvious to make and use compounds of the claimed formula I in view of the teaching above." See, Office Action mailed 3/22/07 at page 5. Applicants respectfully traverse in light of the above amendments and because the '835 application and the '928 patent do not establish a *prima facie* case of obviousness for the compounds of the present invention for at least the following reasons.

First, as discussed *supra*, the amended claims are novel over the '835 application and the '928 patent. Specifically, claim 1 recited compounds of formula (I) wherein, "n" is 1 and R₁ excludes hydrogen:



The '835 application and the '928 patent, on the other hand, recite compounds of formula [I] wherein $(CH_2)_nCOOR$ in the structure below (represented by $(C)_n(R_1)(R_a)$ in the structure above) require R_1 to be hydrogen:



Thus, the compounds of the present invention are structurally distinct and do not include the compounds of the '835 application or the '928 patent. Second, the '835 application and the '928 patent neither teach nor suggest replacing hydrogen with any of the claimed R_1 substituents in the compounds of the present invention. Third, the '835 application and the '928 patent do not render obvious the claimed utility of the compounds of the present invention (e.g., treating autoimmune diseases, proliferative disorders, angiogenic disorders, and cancer). Rather, the '835 application and the '928 patent disclose compounds that are useful in treating platelet aggregation based on their ability to modulate aldose reductase. Thus, based on the disclosures of the '835 application and the '928 patent, one of skill in the art would not find it obvious that the compounds of the present invention would have the claimed utility.

In sum, for the reasons discussed above, the '835 application and the '928 patent do not establish a prima facie case of obviousness for the present invention. Accordingly, applicants respectfully request that the Examiner withdraw this rejection.

Conclusion

Applicants request that the Examiner enter the above amendments, consider the foregoing remarks and allow the pending claims to pass to issue.

Respectfully submitted,

/Michael C. Badia/

Michael C. Badia (Reg. No. 51,424)
Attorney for Applicants
c/o Vertex Pharmaceuticals Incorporated
130 Waverly Street
Cambridge, MA 02139-4242
Tel.: (617) 444-6467
Fax.: (617) 444-6483